

Remarks

The present amendment is submitted in response to a final Office Action dated October 23, 2003. In the Office Action, the Examiner rejected claims 4, 11 and 18-21 under 35 U.S.C. §103(a) as being unpatentable over Bombard in view of Gammell, Bombard, and Bombard, Gammell and Van Pool, respectively. In addition, the Examiner rejected claims 1 and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Bombard, Gammell and Van Pool.

Applicants note with appreciation that the rejections under 35 U.S.C. §112, second paragraph, and 35 U.S.C. §102(b), have been withdrawn. Applicants further note with appreciation that claims 14 and 16 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Therefore, Applicants have rewritten claim 1 incorporating claim 14 therein, including all of the limitations of claim 1 and intervening claims 12 and 13. Applicants respectfully submit that the amendment to claim 1 overcomes all rejections thereto.

Claims 2-3, 7-11, 15-17 and 19-21 depend from independent claim 1. These claims are further believed allowable over the references of record for the same reasons set forth above with respect to their parent claims since each sets forth additional steps of Applicants' novel method of cleaning pressurized rail tank cars.

With respect to the rejection of the claims under the judicially created doctrine of obviousness-type double patenting, Applicants respectfully state that they will submit a terminal disclaimer to overcome this rejection when all other rejections have been overcome and the application is otherwise in condition for allowance. Applicants' offer to

submit a terminal disclaimer shall not be construed as an admission that Applicants agree that the pending claims are obvious over any of the claims of U.S. Patent No. 6,443,166.

Conclusion

In view of the foregoing remarks and amendments, Applicants respectfully submit that all of the claims in the application are in allowable form and that the application is now in condition for allowance, subject to the filing of a terminal disclaimer. Applicants further submit that neither further search nor consideration would be necessitated by entry of this amendment. Therefore, entry is proper and should be effected.

If, however, any outstanding issues remain, Applicants urge the Examiner to telephone Applicants' attorney so that the same may be resolved and the application expedited to issue. Applicants respectfully request the Examiner to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

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